

87-1395

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Supreme Court, U.S.
FILED

JAN 27 1988

JOSEPH F. SPANTOL, JR.
CLERK

(No.)

IN THE
SUPREME COURT of the UNITED STATES
October Term, 1987

ANN I. LEADY,

Petitioner

vs

UNITED STATES and EDWIN HARVEY

Respondents

ROBERT F. LEADY,

Petitioner

vs

UNITED STATES and EDWIN HARVEY

Respondents

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

ANN I. LEADY ROBERT F. LEADY
In Propria Persona In Propria Persona

Box 364
Alloway-Friesburg Road
Alloway, New Jersey 08001
(609) 935-7298

280



QUESTIONS PRESENTED FOR REVIEW

1. Whether the jurisdiction derived from Title 26 United States Code (Internal Revenue Code), Section I can be imposed upon Petitioners, who are American Citizens, residing within the territorial boundaries of the State of New Jersey, and who are devoid of ever enjoying any federal governmental privileges?

2. Whether Section I of Title 26 United States Code is an unlawful grant of a Title of Nobility being imposed upon Petitioners' right, as American Citizens, to reside within the United States of America?

PARTIES TO THE PROCEEDINGS

ANN I. LEADY	Petitioner
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ROBERT F. LEADY	Petitioner
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UNITED STATES OF AMERICA	Respondent
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EDWIN HARVEY	Respondent
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TABLE OF CONTENTS

QUESTIONS PRESENTED FOR REVIEW	i
PARTIES TO THE PROCEEDINGS.....	i
TABLE OF CONTENTS.....	ii
TABLE OF AUTHORITIES.....	iii, iv
TITLE PAGE.....	1
OPINION BELOW.....	2
JURISDICTION.....	3
CONSTITUTIONAL PROVISION INVOLVED.....	3
STATEMENT OF THE CASE.....	4
REASONS FOR GRANTING THE WRIT.....	5, 6, 7
CONCLUSION.....	8
VERIFICATION.....	9
APPENDIX A.....	10, 11
APPENDIX B.....	12, 13
APPENDIX C.....	14-19
APPENDIX D.....	20 - 21
APPENDIX E.....	22
CERTIFICATE OF SERVICE.....	23

TABLE OF AUTHORITIES

CONSTITUTIONAL PROVISIONS PAGE AND STATUTES:

United States Constitution.....	3
Preamble.....	5
Article I, Section 9, Claus 8.....	3-7
Amendment V.....	3
26 U.S.C. § 1.....	4-6
28 U.S.C. § 1254(1).....	3

CASES:

<u>Downes v Bidwell</u> 182 US 244, 277 (1901).....	7
<u>Gaines v Buford</u> 31 Ky (1 Dana) 481, 500 (Ky 1833).....	7
<u>Horst v Moses</u> 48 Ala 129, 142 (Ala 1872).....	
<u>Legal Tender Case</u> 110 US 421, 447 (1884).....	7
<u>Societe Vinicole De Champagne v</u> <u>Mumm C, & Imp. Co.,</u> 13 F Supp 575, 578 (1935).....	7

FEDERALIST PAPERS

<u>No. 39,</u> Hamilton, Madison & Jay.....	7
<u>No. 44,</u> Hamilton, Madison & Jay.....	7

No. 84, Hamilton, Madison & Jay.....7

No. 85, Hamilton, Madison & Jay.....7

DICTIONARIES:

- Blacks Law, 1891 Edition.....6

Blacks Law, Fifth Edition,.....6

Bouvier's Law, 1873 Edition.....6

Bouvier's Law 1914 Edition.....6



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OPINION BELOW

The Court of Appeals entered its summary affirmation pursuant to Internal Operating Procedures, Chapter 17, on September 24, 1987. A copy of the Affirmation is attached as Appendix A.

The Court denied Petitioners' petition for rehearing and suggestion for rehearing en banc on November 12, 1987. A copy of the Order is attached as Appendix B.

The District Court (New Jersey) denied Petitioners' motion for new trial and stay of order enforcing Internal Revenue Summons on August 27, 1987. A copy of the Order is attached as Appendix E.

The District Court (New Jersey) ordered that Petitioners shall comply with Internal Revenue Summons on March 6, 1987. A copy of the Order is attached as Appendix D.



JURISDICTION

The jurisdiction of this Court is invoked pursuant to Title 28 United States Code, Section 1254(1).

CONSTITUTIONAL PROVISION INVOKED

United States Constitution, Article I, Section 9, Claus 8.

"No Title of Nobility shall be granted by the United States;"

United States Constitution, Amendment V

"Nor shall any person...be deprived of life, liberty, or property without due process of law..."



STATEMENT OF THE CASE

Since the beginning of this action, the Petitioners have not been served a copy of 'Petition and Application for an Order to Show Cause', dated November 25, 1986, which which is averred to in their letter to the Honorable Judge Cohen dated April 13, 1987. A Copy is attached as Appendix E.

Despite the foregoing averment concerning procedural errors and Petitioners' claims of unconstitutionality of Section I of Title 26, United States Code, the Court summarily affirmed the appeal on September 24, 1987. (C A No 87-5432). A petition for rehearing was denied on November 12, 1987.

REASONS FOR GRANTING THE WRIT

I

The Petitioners have not strongly pursued the procedural errors of the District Court, however due process demands that one be informed of any actions taken against them in accordance with Federal Rules of Civil Procedure. The Petitioner, Robert F. Leady, has yet to be served with a "Petition and Application for an Order to Show Cause", which therefore renders the enforcement orders of Judge Cohen devoid of legal authority, (see Appendix E) and should be reversed.

II

And furthermore, as the Petitioners are natural born American Citizens, residing in the State of New Jersey, they have a naturally existing right to reside without let or hinderance, as such right is enumerated in the Preamble to the



United States Constitution.

Petitioners are devoid of any federal privileges which have been constitutionally granted, however jurisdiction has been assumed through Section I of Title 26 United States Code for enforcement of an Internal Revenue Summons.

Section I of Title 26 United States Code is a grant of a Title of Nobility, as it takes away one's right to reside in the United States of America and grants it back as a privilege.

The government grants a 'Title of Nobility' when it takes away a naturally existing right and grants it back as a privilege. Horst v Moses, 48 Ala 129, 142 (Ala 1872); Bouvier's Law Dictionary, 1873 Edition and 1914 Edition defining 'Nobility'; Black's Law Dictionary, 1891 Edition and Fifth Edition defining "Nobility".



See also Societe Vinicole De Champagne v Mumm C. & Imp. Co., 13 F Supp 575, 578 (1935), upheld and reiterated in 143 F2d 240, 241 (1941); The Federalist Papers, by Hamilton, Madison and Jay, Numbers 39, 44, 84 and 85. A one word definition of a Title of Nobility is "Privilege" or "Monopoly".

The United States is forbidden to grant any "Title of Nobility". The United States Constitution, Article I, Section 9, Claus 8; Downes v Bidwell, 182 US 244, 277 (1901); Gaines v Buford, 31 Ky (1 Dana) 481, 500 (Ky 1833); Legal Tender Case, 110 US 421, 447 (1884).



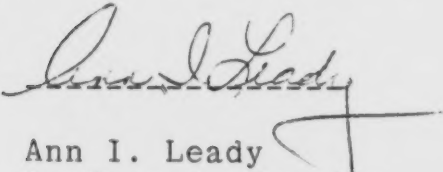
CONCLUSION

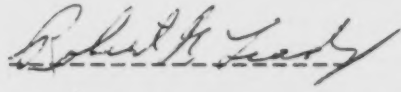
For the foregoing reasons, Petitioners Ann I. Leady and Robert F. Leady respectfully request that a Writ of Certiorari issue to review the summary affirmation rendered by the United States Court of Appeals for the Third Circuit.

VERIFICATION

We, Ann I. Leady and Robert F. Leady do declare under the pains and penalties of perjury that the above is true and correct to the best of our ability an knowledge at this time.


Respectfully submitted this 18th day of February, 1988.


Ann I. Leady
In Propria Persona


Robert F. Leady
In Propria Persona

Box 364
Alloway-Friesburg Road
Alloway, New Jersey 08001
(609) 935-7298




FERDINAND M. WATSON
Notary Public of New Jersey
My Commission Expires August 1, 1988

S.  before me
J.  18
PX



APPENDIX

APS-38

SEPTEMBER 24, 1987

UNITED STATES COURT OF APPEALS FOR THE
THIRD CIRCUIT

C. A. No. 87-5432

UNITED STATES OF AMERICA, ET AL

vs.

ANN I. LEADY

(D.C.Civil 86-4634)

UNITED STATES OF AMERICA ET AL

vs

ROBERT F. LEADY

(D.C. Misc. No. 86-485)

Present; Seitz, Greenberg, and Hunter,

CIRCUIT JUDGES

Submitted are:

- (1) by the Clerk, the within appeal for possible summary affirmance pursuant to Internal Operating Procedures, Chapter 17; and
- (2) by appellants, response and motion for reversal pursuant to Internal Operating Procedures, Chapter 17,



in the above-captioned case.

Respectfully,

/s/

Clerk

SM/DCH

enc.

The foregoing appeal is summarily affirmed.

By the Court,

/s/

Circuit Judge

RECIEVED and Filed

9-29-87

Sally MRVOS

Clerk

Dated: 9-29-87 GT/cc:RFL &AIL

LJB

APPENDIX A

#APS-38

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 87-5432

UNITED STATES OF AMERICA, et al

V

ANN I. LEADY AND ROBERT F. LEADY

Appellants

(Civil Action Nos. 86-4634 and 86-485

District of New Jersey)

SUR PETITION FOR REHEARING

Present: SEITZ, HIGGINBOTHAM, WEIS
SLOVITER, BECKER, STAPLETON, MANSMANN,
GREENBERG, HUTCHINSON, SCIRICA and
HUNTER, Circuit Judges.

The petition for rehearing filed by
appellants in the above captioned matter
having been submitted to the judges who
participated in the decision of this
court and to all the other available
circuit judges of the circuit in regular



active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court en banc, the petition for rehearing is denied.

By the Court,

/s/

Circuit Judge

Dated : November 12, 1987



Alloway, N. J.

April 13, 1987

Honorable Mitchell H. Cohen
United States District Judge
401 Market Street
Camden, N. J. 08101

Re: United States of America et al
v, Ann I. Leady and Robert F. Leady
Civil Action No. 86-4634

Dear Judge Cohen,

Robert F. Leady and Ann I. Leady,
Respondents in the above named Civil
Action, hereby submit this letter brief
in response to Petitioners letter brief to
Judge Cohen, dated April 8, 1987.

We recieved copies of said letter brief -
April 9, 1987. It is apparent that the
U.S Attorney delayed in responding to
Respondents Motion, resulting in a limited
time for Respondents to reply.

In response to Petitioners claim that
a copy of Petition and Application for An
Order To Show Cause, was served on



Respondents, as per Court Order dated February 2, 1987, by Judge Mitchell Cohen along with a copy of the mentioned Court Order of that date, Amended Order To Show Cause.

Petitioners did not comply with the Order of this Court dated February 2, 1987. We did not recieve a copy of the Petition and Application for An Order To Show Cause, or any related memorandum, which we so stated in our Response To Amended Order To Show Cause, dated February 24, 1987, and also in our Brief in Support of Motion To Amend And Vacate Judgement and New Trial dated March 13, 1987. We did receive in the Certified mailings, mentioned by Petitioners, P 328 758 287 and P 329 758 288, copies of the Amended Order To Show Cause.

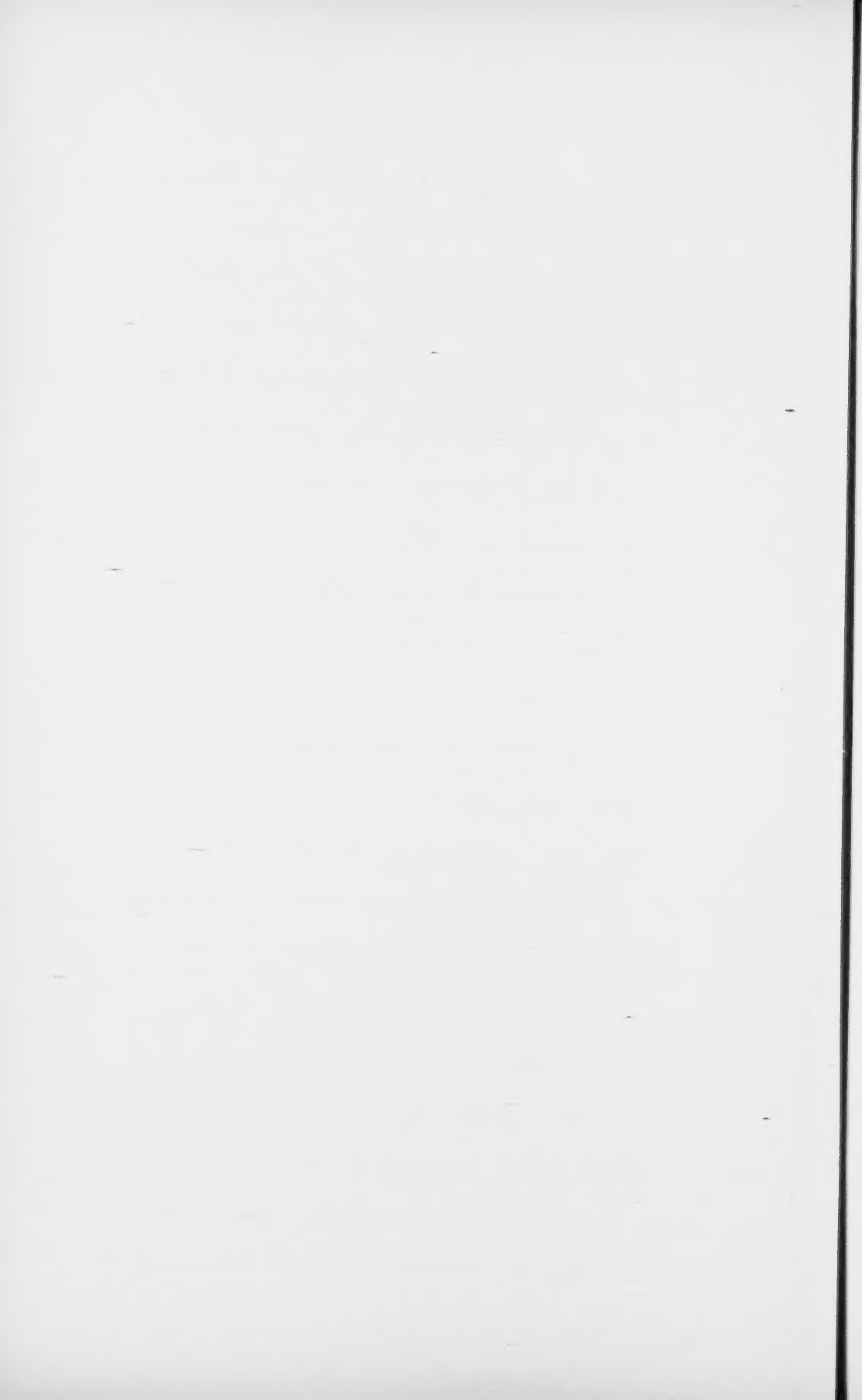
That was all. As God is our witness and under penalty of perjury, we declare that the Only document received was the



Amended Order To Show Cause, filed February 2, 1987.

On March 13, 1987, while in the Court Clerk's Office, in Camden, filing our Motion To Amend & Vacate Judgement & New Trial, we requested, and received a copy of Petition and Application For An Order To Show Cause, dated November 25, 1986. Enclosed is a copy of the information we obtained, and the receipt for the fee we paid. This is the first time we had an opportunity to see this document.

Therefore when Revenue Officer Dutton, if that was the signature on the Certificate of Service, certified that he personally served a copy of the Petition and Application for An Order To Show Cause, Supporting Documents and an Amended Order To Show Cause upon us, he perjured himself. There were no papers but an Amended Order To Show Cause, in either envelope, which includes no Certificate of Service



from Officer Dutton, or anyone else. Also on the Copy of the Petition & Application For An Order To Show Cause, which we obtained from the Clerk, it was dated November 25, 1986, and yet to date we have never been served with a copy of the same. Also according to the proceedings record, there were other documents filed, that we did not have copies thereof, served on us. Further, the aforementioned Petition and Application For An Order To Show Cause, was filed against Ann I. Leady only, no mention of Robert F. Leady. So no other Court action following the Petition, etc., could apply to Robert F. Leady, even had the Petitioners served the proper papers, which they did not.

In answer to Petitioners #1. reference to the Order of August 26, 1986, by Judge Clarkson S, Fisher, denying motion for Temporary Restraining Order of November 17, 1986, by Judge Mitchell H.



Cohen, we feel that counsel is attempting to muddy the waters, and confuse the issue with Orders from a completely different Civil Action.

In Conclusion: Respondents have shown good cause to support their motion for a new trial or relief from previous judgement or Order.

1. Petitioners have not complied with this Court's Order.

2. No Petition and Application For An Order To Show Cause filed in the name of Robert F. Leady.

3. In part, as stated in our Brief, dated March 13, 1987, as follows; the Respondents are citizens pursuant to the Preamble to the United States Constitution therefore, Congress, through their enactment, converted the Respondents inherent right to reside in this country into a Privilege for the purpose of taxation.



Congress has converted a basic right into a privilege and causes annual payment to be made on that privilege. Congress, through their Act (36 Stat 166), has has granted a 'Title of Nobility' to Respondents in violation of Article I, Section 9, Clause 8 of the United States Constitution.

All statements and facts are true and correct to the best of our knowledge, so help us God.

In consideration of the foregoing, Respondents Motion To Amend and Vacate Judgement should be upheld.

Respectfully submitted,

/s/
Robert F. Leady

/s/
Ann I. Leady

Enclosures

cc: Assistant U S Attorney



LJB:msh
0142A

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA AND	:	HONORABLE
EDWIN HARVEY, REVENUE OFFICER	:	MITCHELL
OF THE INTERNAL REVENUE SERVICE, :	:	H. COHEN
Petitioners. :	:	CIVIL
	:	ACTION NO.
v	:	86-4634
	:	:
ANN I. LEADY,	:	:
Respondent. :	:	ORDER
	:	:
and	:	:
	:	:
UNITED STATES OF AMERICA AND	:	filed
EDWIN HARVEY, REVENUE OFFICER	:	3-6-87
OF THE INTERNAL REVENUE SERVICE, :	:	at 8:30am
Petitioners. :	:	:
	:	:
v	:	:
	:	:
ROBERT F. LEADY,	:	:
Respondent. :	:	:
	:	:

This matter having been opened to the Court upon application for an Order to Show Cause by Louis J. Bizzarri, Assistant United States Attorney on behalf of the Internal Revenue Service, and the Court having read the motion and memorandum of



counsel and good cause appearing, therefore,
IT IS on this 6th day of March, 1987,
hereby

ORDERED that the respondents shall comply with the summons of the Internal Revenue Service and shall produce the records records called for by the terms of the summons before any proper officer of the Internal Revenue Service, at such time and place as hereafter may be fixed by such officer and further the respondents shall appear for the purpose of giving testimony concerning the correctness of the taxpayers' tax returns as to each and any of the years under investigation.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon respondents within five days of the date of this Order.

/s/ Mitchell S. Cohen
MITCHELL S. COHEN
United States District Jdg.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	: Civil Action
Petitioner	: 86-3179
	: and
Ann I. Leady and Robert F. Leady	: Civil Action
	: 86-4634
Respondents	:
	:

This matter having come before the Court on motions by respondents for a new trial and for stay of our order enforcing the petitioner's summons, pending an appeal of this action; and

Whereas respondents motions are groundless and without merit, and

Whereas respondents have not shown good cause in support of their motions;

IT is hereby ORDERED on this 26th day of August, 1987, that said motions are DENIED.

Mitchell H. Cohen /s/
MITCHELL H COHEN, SENIOR JDG
UNITED STATES DISTRICT COURT

ENTERED on the docket

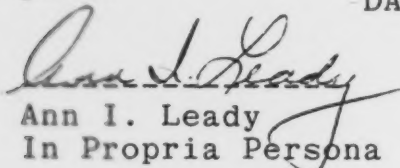
on 8-27-87 Wm. T. Walsh, Clerk

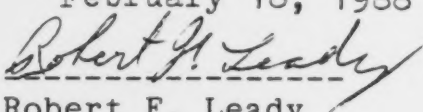
CERTIFICATE OF SERVICE

We, Ann I. Leady and Robert F. Leady do declare under penalty of perjury, that we have delivered three (3) true and correct copies of the foregoing Petition for Writ of Certiorari to the Solicitor General, Department of Justice, Washington, D.C. 20530 by depositing same in the United States Mail with appropriate postage paid.

We, Ann I. Leady and Robert F. Leady do declare under penalty of perjury, that we have delivered three (3) true and correct copies of the foregoing Petition for Writ of Certiorari to Louis J. Bizzarri, United States Attorney, District of New Jersey, 401 Market Street, Camden, New Jersey 08101, by depositing same in the United States Mail with appropriate postage paid.

DATED: February 18, 1988


Ann I. Leady
In Propria Persona


Robert F. Leady
In Propria Persona